

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|---------------------------|---|--------------------------|
| JEFF KYER, |) | |
| |) | |
| Plaintiff, |) | No. 3:12-cv-00655 |
| |) | |
| v. |) | Judge Nixon |
| |) | Magistrate Judge Knowles |
| SOUTHERN RETAIL INVENTORY |) | |
| SERVICES, INC., |) | |
| |) | JURY DEMAND |
| Defendant. |) | |

ORDER

Pending before the Court is Defendant Southern Retail Inventory Services, Inc.'s Motion to Dismiss ("Motion"), in which Defendant requests the Court dismiss this case based on Plaintiff Jeff Kyer's failure to prosecute. (Doc. No. 13.) Defendant states Plaintiff has failed to obtain new counsel or notify the Court of his intention to proceed pro se within the thirty-day window provided in the Court's January 31, 2013, order granting Plaintiff's former attorney's motion to withdraw (*see* Doc. No. 12). (Doc. No. 13.) Magistrate Judge Knowles entered a Report and Recommendation ("Report") on April 9, 2013, recommending that this action be dismissed for Plaintiff's failure to prosecute. (Doc. No. 14 at 2.) The Report notes that, in addition to Plaintiff failing to comply with the Court's January 31 order, Plaintiff has not filed a response to the current Motion, indicating his lack of opposition under Local Rule 7.01(b). (*Id.*) The Report provided fourteen days for objections to be filed from the date of receipt. (*Id.*) To date, neither party has filed an objection.

Upon review of this matter, the Court finds the Report to be well-founded and **ADOPTS** it in its entirety. The case is hereby **DISMISSED with prejudice** in accordance with Federal Rule of Civil Procedure 41(b) for Plaintiff's failure to prosecute.

It is so ORDERED.

Entered this 22nd day of May, 2013.


JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT